

AO 91 (Rev. 11/11) Criminal Complaint

**UNITED STATES DISTRICT COURT**

for the

District of New Mexico

United States of America

v.

Luis Andrade-Tapia

Defendant(s)

Case No.

**MATTHEW J. DYKMAN**  
CLERK

17mj3092

**FILED**  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

NOV 09 2017

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11-8-2017 in the county of Bernalillo in the

District of New Mexico, the defendant(s) violated:

*Code Section*

21 USC 841 (a)(1) & (b)(1)(C)

*Offense Description*

Possession with intent to distribute less than 500 grams of a mixture or substance containing cocaine, a schedule II controlled substance

This criminal complaint is based on these facts:

See Attached Affidavit of Speical Agent Geronimo Abrahao, incorporated by reference

☒ Continued on the attached sheet.



Complainant's signature

Geronimo Abrahao, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 11-9-17



Judge's signature

City and state: Albuquerque, New Mexico

Kirtan Khalsa, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT OF SPECIAL AGENT GERONIMO ABRAHAO:**

I, Geronimo Abrahao, Special Agent (SA), Drug Enforcement Administration (DEA), United States Department of Justice, being duly sworn, do depose and hereby state the following:

I am an "investigative or law enforcement officer" of the United States within the meaning of Title 18 U.S.C § 2510(7), in that I am an officer of the United States empowered by law to conduct criminal investigations and make arrests for offenses enumerated in Title 18 U.S.C. § 2516. I have been employed by the DEA since May 2015. I am empowered to investigate, to make arrests with or without a warrant and to execute search warrants under the authority of Title 21 U.S.C. § 878.

This affidavit is made in support of the issuance of a Criminal Complaint charging Luis ANDRADE-TAPIA with violation of Title 21 U.S.C. Sections 841(a)(1) and (b)(1)(C), possession with the intent to distribute less than 500 grams or more of a mixture or substance containing Cocaine, a schedule II controlled substance. Because this Affidavit is written for the limited purpose of setting forth probable cause for the requested criminal complaint, I have not included every fact known to me through this investigation. I have set forth those facts I deem necessary to establish probable cause of the above listed offenses.

On November 8, 2017, DEA Albuquerque District Office arrested Luis ANDRADE-TAPIA during the execution of a Federal Search Warrant at 432 General Patch NE, Albuquerque, NM. ANDRADE-Tapia ran from police during the execution of the search warrant and was found hiding in his neighbor's backyard.

At approximately 8:55 PM, DEA Agents executed the search warrant at 432 General Patch NE, Albuquerque, NM. During the execution of the search warrant, the evidence collected included the following:

- One ziplock bag containing a white powdery substance pressed into a block suspected to be cocaine totaling 252.4 gross grams (field tested positive for cocaine by SA Erin Croft); one digital scale, and a spoon with white powdery residue all found inside of cowboy boot inside of the closet of ANDRADE-TAPIA's bedroom.
- One silver jacket containing an unknown amount of U.S. Currency, found inside the closet of ANDRADE-TAPIA's bedroom.
- One black jacket containing an unknown amount of U.S. Currency, found inside the closet of ANDRADE-TAPIA's bedroom.
- Approximately eleven cell phones consistent with drug trafficker's method of operation in which cell phones are frequently purchased and changed.
- One 2016 Toyota Tundra (Vehicle Identification Number 5TFFW5F12GX209795) with a hidden compartment located on the floor board under the rear passenger seat.

- One .45 caliber Colt 1911 MK-IV model pistol Serial Number SF34958, which was listed in Law Enforcement databases as stolen.

At approximately 9:45 PM, SA Abrahao and Group Supervisor (GS) Gabriel Valdez interviewed ANDRADE-TAPIA. SA Abrahao informed ANDRADE-TAPIA of his Miranda warnings utilizing a DEA-13B (Advice of Rights in Spanish) card and read the card to ANDRADE-TAPIA in its entirety. ANDRADE-TAPIA indicated that he understood his rights and agreed to voluntarily speak with Agents.

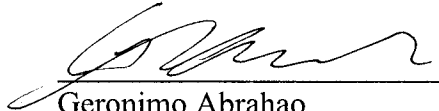
SA Abrahao asked ANDRADE-TAPIA if he (ANDRADE-TAPIA) lived at the 432 General Patch address. ANDRADE-TAPIA responded that he lived at the 432 General Patch address. SA Abrahao asked ANDRADE-TAPIA why he ran from police. ANDRADE-TAPIA said he was scared. SA Abrahao asked ANDRADE-TAPIA if he had a job and how he paid for all the cars and things he had in his house. ANDRADE-TAPIA responded that he works fixing dry wall, and sold cocaine. SA Abrahao asked ANDRADE-TAPIA if he had any illegal drugs, guns, and money in the house. ANDRADE-TAPIA told SA Abrahao that he had cocaine in his bedroom, and a gun in a shed in the backyard of the residence. ANDRADE-TAPIA also told SA Abrahao that he would take SA Abrahao and show where the cocaine and the gun were. SA Abrahao and GS Valdez walked with ANDRADE-TAPIA to his bedroom where the cocaine had already been found by other agents and had been placed on top of the bed. SA Abrahao asked ANDRADE-TAPIA if that was all the cocaine he had, ANDRADE-TAPIA responded yes.

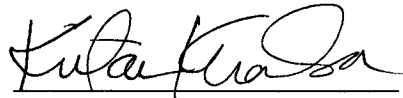
[concluded on the following page]

SA Abrahao and GS Valdez walked with ANDRADE-TAPIA to the backyard of the residence, where a shed was located. ANDRADE-TAPIA pointed to a large metal pan containing several plastic containers on the top shelf inside the shed. ANDRADE-TAPIA told SA Abrahao that the gun was inside of the metal pan. SA Abrahao pulled the pan from the shelf and found a .45 caliber Colt 1911 MK-IV model pistol Serial Number SF34958, which was later found to be stolen based on Law Enforcement databases.

Based on the foregoing, and my training and experience, I believe the above quantity of drugs is indicative of drug distribution rather than personal use. I believe that probable cause exists that Luis ANDRADE-TAPIA, on or about November 8, 2017, did unlawfully, knowingly, and intentionally possess with the intent to distribute less than 500 grams or more of a mixture or substance containing cocaine, a schedule II controlled substance contrary to Title 21 U.S.C. Sections 841(a)(1) and (b)(1)(C).

Subscribed to and sworn before me this 9<sup>th</sup> day of November, 2017 in Albuquerque, New Mexico.

  
Geronimo Abrahao  
Special Agent  
Drug Enforcement Administration

  
Kirtan Khalsa  
United States Magistrate Judge